

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MARION LEON BEA,)	Civil Action No. 7:10-cv-00152
Petitioner,)	
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
HONORABLE BENJAMIN N. A.)	
KENDRICK,)	By: Hon. James C. Turk
Respondent.)	Senior United States District Judge

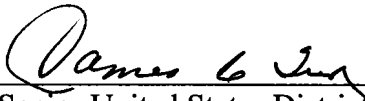
Petitioner Marion Leon Bea, a Virginia inmate proceeding pro se, filed a petition for a writ of mandamus against a state court judge. Petitioner appears to be challenging his conviction entered in the Circuit Court of Arlington County, located in the Eastern District of Virginia.

Federal courts will not direct state court actors through a writ of mandamus. Gurley v. Superior Ct. of Mecklenburg Cty., 411 F.2d 586, 587 (4th Cir. 1969). While this pro se petition could be liberally construed as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, and transferred to the United States District Court for the Eastern District of Virginia, the court finds that a transfer is not in furtherance of justice. See 28 U.S.C. § 1404(a). A review of PACER reveals that petitioner already filed a substantially similar petition with the United States District Court for the Eastern District of Virginia, which is the proper court for this petition. Bea v. Kendrick, No. 1:10-cv-00312 (E.D. Va. March 31, 2010) (mailed March 15, 2010). In that petition, petitioner names the same respondent, alleges the same claims, and requests the same relief. Therefore, the court declines to transfer this action to the United States District Court for the Eastern District of Virginia because the same suit is already being pursued there. See Curtis v. Citibank, 226 F.3d 133, 138 (2d Cir. 2000) (describing claim-splitting dismissal as part of district court's "general power to administer its docket"); Serlin v. Arthur Andersen & Co., 3

F.3d 221, 223 (7th Cir. 1993) (recognizing that district court may dismiss suit “for reasons of wise judicial administration . . . whenever it is duplicative of a parallel action already pending in another federal court” (internal quotation marks omitted) (omission in original)); Curtis v. DiMaio, 46 F. Supp. 2d 206, 215 (E.D.N.Y. 1999) (dismissing duplicative complaint and observing that “[i]t is well established that federal district courts possess the power to administer their dockets in a manner that conserves scarce judicial resources and promotes the efficient and comprehensive disposition of cases”), aff’d on other grounds, 205 F.3d 1322 (2d Cir. 2000). Accordingly, the court declines to transfer the matter and dismisses the petition without prejudice. Petitioner is advised that he may continue to pursue the action filed with the United States District Court for the Eastern District of Virginia.

The Clerk is directed to send copies of this memorandum opinion and the accompanying order to the petitioner.

ENTER: This 7th day of April, 2010.



Senior United States District Judge